

COMMON COUNCIL
COUNCIL CHAMBERS
SEPTEMBER 21, 2004

- I. Mayor Fred Armstrong called a regular meeting of the City Common Council to order at approximately 7:07 P.M.
 - A. Opening Prayer was given by Mark Teike, Senior Pastor at St. Peter's Lutheran Church.
 - B. Pledge – Mayor Armstrong led the Pledge of Allegiance.
 - C. Roll Call: Present: John Brown, Ann Devore, George Dutro, Thomas Hodek, Robert Kittle, Martha Myers, August Tindell.
 - D. Acceptance of Minutes from the previous meeting: Martha Myers moved to approve the minutes from the last meeting and Ann Devore seconded the motion. Motion passed by a vote of 7 to 0.
- II. Unfinished Business Requiring Council Action
 - A. Second reading of an Ordinance entitled “ORDINANCE NO.____, 2004, ANNEXING AND DECLARING TO BE PART OF THE CITY OF COLUMBUS, INDIANA, CERTAIN TERRITORY CONTIGUOUS THERETO.” (Cornerstone Commercial West) Laura Thayer explained this item was put on the agenda by error. Not enough days had passed since the first reading/public hearing to act on the second reading. Tom Hodek made a motion to move this item to the next meeting. Ann Devore seconded the motion. George Dutro reminded the Council he had a conflict of interest on this item and would not be voting. The motion passed by a vote of 6 to 0.
 - B. Second reading of an Ordinance entitled “ORDINANCE NO.24, 2004, AN ORDINANCE SETTING THE SALARIES OF ELECTED OFFICIALS FOR THE YEAR 2005.” (Oakel Hardy) Brenda Sullivan, Columbus City Clerk Treasurer, presented this Ordinance. She reported per the motion of last Council meeting, this Ordinance was amended to reflect all City Council Members salaries would remain at the current 2004 salary level. Martha Myers made a motion to approve the Ordinance. Ann Devore seconded the motion. The motion passed by a vote of 7 to 0.
- III. New Business Requiring Council Action
 - A. First reading of an Ordinance entitled “ORDINANCE N0.25, 2004, AN ORDINANCE AMENDING THE ZONING MAP, A PART OF TITLE 17 (THE ZONING ORDINACE) OF THE CODE OF LAWS OF COLUMBUS, INDIANA TO REZONE APPROXIMATELY 1.2 ACRES. LOCATED A 2220 MIDWAY STREET, IN THE CITY OF COLUMBUS, FROM SU-1 (CHURCHES) TO RB (RESTRICTED BUFFER).” (Jehovah's Witness) Laura Thayer presented the Ordinance asking that this property be rezoned from SU-1 Churches to RB (Restricted Buffer) Laura indicated the Planning Department recommended approval of the petition, subject to the condition that the Board of Zoning Appeals approve encroachment in the transitional setback. At the public hearing no one spoke of the petition other than the applicant. Following the public hearing, the Commission voted 10 –

0 to recommend the requested rezoning be approved. George Dutro indicated he had a conflict of interest regarding the property and would not be voting on the Ordinance. After little discussion, John Brown moved to suspend the rules and pass on the first reading. Robert Kittle seconded the motion. The motion passed by a vote of 6 to 0. John Brown made a motion to approve the Ordinance. August Tindell seconded the motion. The motion passed by a vote of 6 to 0.

- B. First reading of an Ordinance entitled “ORDINANCE NO.26, 2004, AN ORDINANCE AMENDING THE ZONING MAP, A PART OF TITLE 17 (THE ZONING ORDINANCE) OF THE CODE OF LAWS OF COLUMBUS, INDIANA, TO REZONE PROPERTIES OF APPROXIMATELY 8 ACRES, CONSISTING OF A BUILDING LOCATED AT 1225 7TH STREET AND INCLUDING ASSOCIATED PARKING AREAS ALONG BOTH SIDES OF 7TH STREET BETWEEN UNION STREET AND WERNER STREET, FROM I-2 (MEDIUM INDUSTRIAL) TO B-5 (GENERAL BUSINESS),” (Reliance) Laura Thayer indicated that at the September 1st, 2004 meeting of the Plan Commission, a public hearing was held on a petition by Reliance Agents, Inc. to rezone properties of approximately 8 acres, consisting of a building located at 1225 7th Street and including associated parking areas along both sides of 7th Street between Union and Werner Street, from I-2 to B-5 (General Business). Laura reminded the Council they adopted an Ordinance on July 6, 2004 rezoning this property from I-2 to B-4C. Laura reported Keith Sharp, the current owner, had decided not to record the prior rezoning because after 90 days it would become null and void. Mr. Sharp’s decision is based on the reason that he has decided to seek B-5 zoning instead of B-4. Pete King, attorney for Reliance Agents, Inc. asked the Council to consider this Ordinance on first reading since this property had been dealt with on two (2) prior occasions before the Council. Discussion followed. George Dutro pointed out that the Ordinance should read the rezoning would be from an I-2 to a B-5C which Laura said was a scrivener’s error. George Dutro made a motion to amend the Ordinance from a B-5 to a B-5C and stipulated that since the first Ordinance was passed on July 6, 2004 this amended Ordinance would be effective on October 4, 2004. Robert Kittle seconded the motion. The motion passed by a vote of 7 to 0. Tom Hodek made a motion to suspend the rules and the pass on first reading. Ann Devore seconded the motion. The motion passed by a vote of 7 to 0. George Dutro made a motion to pass the Amended Ordinance. Tom Hodek seconded the motion. The motion passed by a vote of 7 to 0.
- C. First reading of an Ordinance entitled “ORDINANCE NO.____, 2004, SMOKING IN PUBLIC PLACES AND PLACES OF EMPLOYMENT.” Peggy Voelz, Tobacco Awareness Coordinator, introduced this Ordinance. She explained the Ordinance and asked the Council to approve it. Mayor Fred Armstrong then spoke on the matter and explained the ground rules for people that desired to speak regarding their beliefs. Approximately 35 people spoke on their views at it related to this Ordinance. Several people speaking presented to the Clerk Treasurer documents for the record regarding their views. Also presented to the Clerk Treasurer were petitions in favor of the Ordinance and petitions against the Ordinance. After much lengthy discussion, George Dutro made a motion to amend the Ordinance excluding bars and private clubs. Robert Kittle seconded the motion. A roll call vote was taken – John Brown, Martha Myers and August

Tindell voted against the motion. Ann Devore, George Dutro, Tom Hodek and Robert Kittle voted in favor of the motion. The motion passed by a 4 to 3 vote. George Dutro then made a motion to the Ordinance making the policies effective 30 days after passage. Robert Kittle seconded the motion. A roll call vote was taken – John Brown, Ann Devore, Tom Hodek and August Tindell voted against the motion. George Dutro, Robert Kittle and Martha Myers voted in favor of the motion. The motion failed by a vote of 4 to 3. George Dutro made a motion to replace the words “reasonable distance” to a “distance of 50 ft.” Robert Kittle seconded the motion. A roll call vote was taken. John Brown, Ann Devore, Martha Myers and August Tindell voted against the motion. George Dutro and Robert Kittle voted in favor of the motion. The motion failed by a vote of 5 to 2. Additional discussion occurred among the Council Members and the public. George Dutro made a motion to place the Amended Ordinance in proper channels. John Brown seconded the motion. A roll call vote was taken – John Brown, Ann Devore, George Dutro, Robert Kittle voted in favor of the motion. Tom Hodek, Martha Myers and August Tindell voted against the motion. The motion passed by a vote of 4 to 3.

IV. Other Business

- A. Reports were given for informational purposes.
- B. The next scheduled meeting of the Common Council is Tuesday, October 5th, 2004 at 7:00 PM in the Cal Brand Meeting Hall.
(The location of next Council meeting has been changed to the East High School Auditorium)
- C. Adjourn – Martha Myers moved to adjourn. Robert Kittle seconded the motion. The motion to adjourn passed by a vote of 7 to 0. The meeting adjourned at approximately 10:05 o’clock P.M.

Presiding Officer of the Common Council

Attest:

Columbus City Clerk Treasurer